



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 16, 1998

Ms. Monica Z. Notzon  
First Assistant District Attorney  
Webb and Zapata Counties  
P.O. Box 1343  
Laredo, Texas 78042-1343

OR98-1472

Dear Ms. Notzon:

On behalf of the Laredo Police Department (the "department"), you ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116633.

The department received a request for the following information relating to incident number 95-18628: 1) the homicide report, 2) the forensic report, and 3) the complaint. You have released the last two items and the front page of the homicide report. You claim that the remaining requested information is excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

You state that the requested information constitutes the "work product of the state and is exempt from the act under [section] 552.108." We presume that you are arguing that the information may be withheld under section 552.108(a)(3) of the Government Code. Section 552.108(a)(3) provides as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108.

Because the documents were neither prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation, nor have you argued that any of the documents reflect the mental impressions or legal reasoning of an attorney representing the state, you have not established the applicability of section 552.108(a)(3). Thus, you may not withhold the remaining requested information under section 552.108(a)(3).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref: ID# 116633

Enclosures: Submitted documents

cc: Mr. David Walker  
McConnell Unit  
3001 S. Emily Drive  
Beeville, Texas 78102  
(w/o enclosures)